



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/12/2021
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19628 of 2021

1. Antonysamy
2. Sebasthiyan

... Petitioners/Accused No.1 and 2

Vs

The State represented by
The Inspector of Police,
Vaiyampatty Police Station,
Tiruchirappalli District.
(In Crime No.494 of 2021).

... Respondent/Complainant

For Petitioners: Mr.A.Lourdu Raj,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

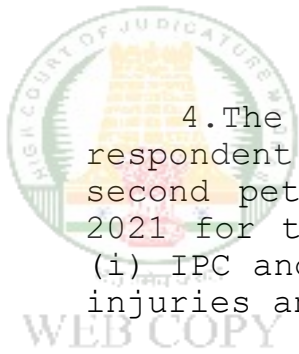
For Anticipatory Bail in Crime No.494 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 341, 506(i) IPC, in Crime No.494 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was civil dispute between the parties, the petitioners had abused and assaulted the *defacto* complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that it is a case in counter, based upon the complaint given by the second petitioner, the counter case was registered in Crime No.493 of 2021 against the *defacto* complainant party and that the injured was discharged from the hospital. Hence, prays to release them on anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the second petitioner, case in counter was registered in Cr.No.493 of 2021 for the offences under Sections 147, 294(b), 323, 341 and 506 (i) IPC and it appears that in both the cases parties were sustained injuries and in this case injured was discharged from the hospital.

5.On reading of the FIR shows that both the groups are close relatives and there was dispute between the parties, with regard to partition of family properties. In this case, the date of FIR was registered on 24.11.2021, whereas, in counter case it was registered on 25.11.2021. But in both the cases, the date of occurrence was on 21.11.2021 at about 12.30PM and 01.00PM.

6.Considering the facts and circumstances of this case, that the injured was discharged from the hospital and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate, Manapparai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

10/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,

<https://hcservices.mca.gov.in/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE
VAIYAMPATTY POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19628 of 2021
Date :10/12/2021

PNM

SS/PN/SAR-II/15.12.2021 : 3P/5C